

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

10/10/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CRIMINAL 05-00191JMS-01
CASE NAME: United States of America vs. Joshua Knepper
ATTYS FOR PLA: Loretta A. Sheehan
ATTYS FOR DEFT: Harlan Kimura
U.S.P.O.: Neal Tsukayama

JUDGE:	J. Michael Seabright	REPORTER:	Sharon Ross
DATE:	10/10/2006	TIME:	2:20 - 3:20

COURT ACTION: Sentencing as to Counts 1, 2, 3 of the First Superseding Indictment:

Defendant present in custody with counsel Harlan Kimura

Memorandum of Plea Agreement accepted.

Allocution by the defendant.

Imprisonment 70 months as to each of Counts 1 and 2 of the First Superseding Indictment; 12 months as to Count 3 of the First Superseding Indictment, with all terms to be served concurrently.

Supervised Release: 3 years as to Count 1, 5 years as to Count 2, and 1 year as to Count 3, with all terms to be served concurrently under the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)

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4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 15 valid drug tests per month during the terms of supervision (mandatory condition).
5. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
6. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
10. If required by State Law, that the defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.
11. That the defendant may change his residence only with the advance approval of the Probation Office.

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12. That the defendant shall participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the polygraph and other types of testing, as approved by the Probation Office. If the defendant is also under a similar condition imposed by the state of Hawaii, the U. S. Probation Office shall coordinate treatment and monitoring of his condition with the defendant's state of Hawaii probation officer.
13. That the defendant shall not view, purchase, possess, or distribute any form of child pornography depicting sexually explicit conduct as defined in 18 U. S.C. §2556(8), unless approved for treatment purposes, or frequent any place where such material is available.
14. That the defendant is prohibited from the possession and use of alcohol.
15. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
16. The defendant shall not view, purchase, possess or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available.

No fine imposed.

Special Monetary Assessment \$225.

Advised of rights to appeal.

RECOMMENDATION: 1) Terminal Island, CA. 2) Florence, Colorado. 3) Lompoc, CA

That the defendant participate in educational and vocational training programs, also drug treatment programs.

Mr. Kimura's Motion to Withdraw as Counsel and Appointment of CJA Attorney for Appeal Purposes is GRANTED. Mr. Kimura (accompanied by Ms. Cushman) shall proceed to Magistrate Judge Kurren's secretary for appointment of counsel.

MITTIMUS: Forthwith.

Submitted by: Dottie Miwa, Courtroom Manager